Mike Basil Chevrolet, Inc. and Amalgamated Local 55, United Auto Workers Union, Petitioner. Case 3-AC-42

August 16, 2000

DECISION ON REVIEW AND ORDER BY CHAIRMAN TRUESDALE AND MEMBERS FOX AND LIEBMAN

This case involves the affiliation of a small independent labor organization, the Hamburg Employees Union (HEU), with the Petitioner, a larger labor organization. On September 20, 1996, and September 24, 1999, the Regional Director for Region 3 issued a Decision and Order and a Supplemental Decision (attached hereto as Appendices A and B) finding insufficient continuity of representation after this affiliation to warrant the requested certification amendment. Because of her finding of insufficient continuity, the Regional Director did not determine whether the affiliation proceedings met the Board's due process requirements.

The Board granted the Petitioner's request for review, and on review, remanded the matter to the Regional Director for findings on whether the affiliation proceedings met the Board's due process requirement. Thereafter, in a supplemental decision, the Regional Director determined that the due process standards were satisfied. The Employer contends that the standards were not met but that, in any event, there is insufficient continuity of representation to grant the petition to amend the certification.

Having reviewed the record, we agree with the Regional Director that the affiliation proceedings met the due process requirements of the Board. We disagree, however, with her finding of insufficient continuity of representation. Accordingly, we reverse her finding and amend the certification as requested.

1. With respect to the due process question, the Regional Director found that the affiliation vote was conducted after employees received adequate notice of a meeting on the affiliation issues. She further found that the HEU membership was given an opportunity to discuss affiliation, to question the proposed course of action, and to vote on the question by secret ballot. The Employer contends that the HEU breached its own rules with respect to notification of the meeting because it failed to post the meeting announcement on the official HEU bulletin board as required by the HEU bylaws. We agree with the Regional Director that there was sufficient notification of the meeting and of its subject matter, and that the Union's failure to follow its own procedures is not, in and of itself, a basis for rejecting the affiliation vote. Rather, the critical question is whether the HEU membership received adequate and timely notice of the meeting and of the matter to be considered.¹ The Regional Director found, and the Employer does not contest, that written notice of the meeting and of its purpose was personally provided to all but three of the unit members. Those three had been absent from work on the date of distribution and were given notice by certified mail. Thus, on this record, we find that unit members were fully and timely notified of the meeting.

Similarly, we reject the Employer's contention that the membership was not given adequate opportunity to consider the affiliation question prior to the vote. The record establishes, and the Regional Director found, that the affiliation resolution was presented at the meeting and was followed by a discussion period during which employees were given full opportunity to question and discuss the proposal. Nothing in the record indicates that the discussion period was inadequate or that any employee was precluded from speaking on or questioning the proposal or its effects. At the close of the discussion period, the employees voted on the affiliation by secret ballot, the results of which were tabulated by a balloting committee and a representative of the New York State Labor Relations Board. Accordingly, we agree with the Regional Director's findings that the scheduling, notification, and conduct of the affiliation vote were conducted with adequate procedural safeguards.

2. Contrary to the Regional Director, we find that the affiliation resulted in sufficient continuity of representation to grant the requested amendment. Citing Western Commercial Transport, 288 NLRB 214 (1988), the Regional Director found "that the fundamental character of the representing union will be greatly altered as a result of the affiliation." In doing so, she relied on the relative size of the two organizations, as well as what she perceived as the losses of HEU autonomy, particularly the ability to select union leadership and to control negotiations and grievance handling.

Applying the principles of *Western Commercial Transport* we find, unlike the Regional Director, that the changes here were not of such a character as to warrant rejection of the petition to amend certification. In assessing continuity questions we consider the totality of the circumstances, eschewing the tendency toward a "mechanistic approach" or the use of a "strict checklist." Further, we have previously rejected relative sizes of the two organizations as a basis for finding discontinuity. Rather, the significant factor is whether there is an identity change as a result of the affiliation. As the Board said in *Western Commercial Transport*, supra, the critical question is whether the "[c]hanges are so great that a new organiza-

¹ CPS Chemical Co., 324 NLRB 1018, 1019–1020 (1997), enf. 160 F.3d 150 (3d Cir. 1998).

² Sullivan Bros. Printers, 317 NLRB 561, 563 (1995), enf. 99 F.3d 1217 (1st Cir. 1996).

³ CPS Chemical Co., supra at 1021.

tion has come into being."⁴ Affiliations will often make a change in the structure of the representing union but not every change raises a question concerning representation.

The changes resulting from the affiliation of HEU with the Petitioner present an example of such a situation. The employees voted unanimously to affiliate with a larger organization.⁵ Although this will result in some loss of autonomy previously enjoyed by these employees, they will continue to have a voice in the administration of their collective-bargaining representative after affiliation. For example, HEU will become part of the Petitioner, a UAW local union governed by an executive board. That executive board is subject to a joint council composed of 80 to 100 delegates representing the collective-bargaining units represented by the Petitioner. Based on its size, the HEU unit will have three delegates representing it on the joint council. Further, although the record does not reveal the extent, if any, to which the HEU officials will maintain their positions after affiliation, it is clear that, notwithstanding the differences in relative size of HEU and the Petitioner, the employee members of HEU will continue to be able to participate in the fundamental decisions on labor management relations at their localized workplace in much the same manner after affiliation as they did before. Thus, while the Petitioner's business representative will be involved in grievance handling, the unit-shop committee will also remain involved, and decisions of the business representative concerning the arbitration of grievances can be overruled by the Employer's bargaining unit membership. Similarly, although the Petitioner's business representative is authorized to negotiate collective-bargaining agreements, all agreements must be ratified by bargaining unit employees as well as by the International Union's executive board. And while strikes must be sanctioned by the International Union, a two-thirds vote of the unit is also required to authorize a strike. Finally, we note that, although the affiliation places the HEU under the "formal institutional structure" of the Petitioner and the UAW, the constitution of the UAW recognizes the spirit and intent of local contractual relations. Indeed, the constitution of the International Union and the bylaws of the Petitioner place "the highest authority" for the handling of local matters in the hands of the membership of particular units.⁶

The unit employees' ability to maintain a significant voice in labor relations affecting their own unit is a core element in assessing whether or not the affiliation significantly altered the identity of HEU such as to find that it substituted an entirely different union. It is clear from the record that that did not happen here. Indeed, the evidence clearly indicates that the HEU members continue to have a strong voice in the affairs of their union and will, after affiliation, continue to be in a strong position to influence the positions taken by *their* representative in dealings with *their* employer.

Finally, the differences in dues structure between HEU and the Petitioners do not amount to such a significant change as to raise a question concerning representation. There is no initiation fee for those transferring from HEU, and we do not consider the increase in dues from approximately 1 hour's pay per month to slightly over 2 hours' pay to be significant. As the Board has indicated in other cases, we believe it is reasonable to assume that employees who vote to affiliate and thereby attain stronger representation and better services expect that it will be more expensive.⁸

Accordingly, based on the record we find that there is not a sufficient loss of continuity here to warrant a finding that the affiliation occasioned a question concerning representation for this bargaining unit. Accordingly, we amend the certification as requested.

APPENDIX A DECISION AND ORDER

Upon a petition duly filed under Section 9(b) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board (the Board). The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.

Pursuant to Section 3(b) of the Act, the Board has delegated its authority in this proceeding to me.

Upon the entire record in this proceeding, I find:

The Employer, Mike Basil Chevrolet, Inc., a corporation, with an office and place of business in Hamburg, New York, has been engaged in the retail sale and service of automobiles. The Employer and Amalgamated Local 55, United Auto Workers Union (the Petitioner) stipulated at the hearing that annually, in the course and conduct of its business operations, the Employer derives gross revenues in excess of \$500,000, and purchases and receives at its Hamburg, New York facility, goods valued in excess of \$50,000 directly from points outside the State of New York. Based on these facts, and the parties' stipulations, I find that the Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction here.

The labor organization involved here claims to represent certain employees of the Employer.

On July 30, 1979, the Hamburg Employees Union (HEU) was certified by the Board as the exclusive bargaining representative of the service employees of Jack Adkins Chevrolet, Inc.,

⁴ Western Commercial Transport, supra at 217.

⁵ There are 28 members of HEU and approximately 1300 members of the Petitioner.

⁶ Art. 10, sec. 5 of the UAW constitution provides:

The general meeting of the Local Union members of an establishment under jurisdiction of an Amalgamated Local shall be the highest authority for handling problems within the establishment, in conformity with the bylaws of the Local Union and this International Constitution.

Art. XX. sec. 1 of the Petitioner's bylaws states:

The highest authority in all units of the local union shall be vested in the general membership of each particular unit.

⁷ Western Commercial Transport, supra at 217–218.

⁸ CPS, supra at 1022, 1024.

the predecessor to the Employer here. The Employer commenced operations on October 17, 1995, and assumed a collective-bargaining agreement between Jack Adkins Chevrolet, Inc. and HEU. The collective-bargaining agreement is effective from September 1,1994, to August 31, 1997.

On July 24, 1996, an affiliation vote was conducted among the employees represented by HEU, with a majority of those employees voting to approve an affiliation of HEU with the Petitioner. The Petitioner then filed the instant request to amend the certification to designate the Petitioner as the representative of the bargaining unit employees. The Employer opposes granting the amendment because it maintains that the affiliation election failed to satisfy minimum due process standards and because of a lack of a substantial continuity between the preand post-affiliation bargaining representative.

I conclude, based on the record as a whole and the case law discussed below, that there is a lack of substantial continuity between the HEU and Petitioner sufficient to raise a question of representation. Accordingly, I shall dismiss the instant petition to amend certification.

In Western Commercial Transport, 288 NLRB 214 (1988), the Board found that the affiliation of a small (136-employee unit), independent union with an entity representing 8500 employees and affiliated with an international union, did not result in a continuity of the representative. Relying on changes such as the wholesale replacement of union officers, the removal of day-to-day contract administration from local hands, and the loss of control over the assessment and expenditure of dues, the Board determined that membership rights and organizational autonomy were so vitiated as to alter the "fundamental character of the representing organization." Id. at 218. The Board thus concluded that these changes were "sufficiently dramatic" to raise a question concerning representation and render inappropriate an amendment of certification.

Here, there are numerous differences between the two organizations which will fundamentally alter the representation of the bargaining unit. The HEU is a small, independent Union solely representing the Employer's 28 employees. The Petitioner has approximately 1300 members, who are employed in diverse industries. The Petitioner is affiliated with an international union, the United Automobile and Aerospace and Agricultural Implement Workers of America (UAW) (the International Union).

Through the HEU's bylaws, complete autonomy is retained by its membership. Specifically, HEU's bylaws may be amended by two-thirds vote at a regular membership meeting. HEU's officers, its president, secretary, and treasurer, are elected by the membership. Its contract negotiating committee is comprised of the president and four members elected directly from the Employer's mechanical, body, parts, and internal departments. Agreements must be ratified by a majority vote of the membership. Authorization to strike is by two-thirds majority vote of the membership. No member may be found guilty of charges of violation of the bylaws without two-thirds majority vote of the membership. The membership in each of the Employer's four departments elects a steward for grievance handling. The president, together with the steward from the department in which the grievance arises, and one other member appointed by the president, comprise the grievance committee. HEU members pay a \$20 initiation fee and dues in the amount of 1 hour's wages per month. HEU's assets consist of a bank account of approximately \$2800.

By contrast, the Petitioner's bylaws are subordinate to the constitution of the UAW International Union. The Petitioner's executive board consists of a president, three vice presidents, a financial secretary-treasurer, three trustees, a sergeant-at-arms, and a guide. The executive board is subordinate to a joint council comprised of approximately 80 to 100 or more delegates from the bargaining units represented by the Petitioner; the number of delegates is proportionally based on the size of each of the respective bargaining units. As a result, the employees of the Employer, upon affiliation, would be entitled to have only three delegates on the joint council. Members may be found guilty of a violation of the Petitioner's bylaws by majority vote at a membership meeting; however, a member may appeal a finding of guilt to the International Union's executive board. The Petitioner's business representatives are solely authorized to negotiate collective-bargaining agreements. All contracts must be ratified by unit employees and by the International Union's executive board and signed by an International Union representative. All grievances are processed by a unit shop committee and a petitioner business representative. The business representative must approve the arbitration of a grievance, but may be overruled by a vote of the membership in the bargaining unit in which the grievance arises. Strikes must be authorized by the International Union's executive board, after approval by a two-thirds majority vote of the membership in the unit at issue; the International Union has the authority to separately call an end to a strike. The Petitioner has assets of approximately \$588,000. The new member initiation fee is \$50; however, members of HEU at the time of affiliation would be exempt from the initiation fee. Members are charged dues in the amount of 2 hours' pay plus \$2.73 per month. Only 33 percent of the dues collected is kept by the Petitioner; the remainder is sent to the International Union and its strike fund.

While the record is silent as to whether the incumbent HEU officers would retain their nominal positions after affiliation with the Petitioner, it is clear that the current HEU officers' duties relating to day-to-day contract administration and internal union administration would be assumed by the Petitioner's representatives. The dues, which presently are directly controlled by the HEU membership, both in terms of amounts assessed and in expenditures, would, upon affiliation, be shared by the Petitioner and the International Union, thereby placing these moneys beyond the direct control of the bargaining unit. Control over contract negotiations, grievance handling, and strike authorization would similarly shift, to a great extent, from the HEU membership to the Petitioner and its International Union.

In sum, the record is clear that the existing bargaining representative, the HEU, would, as a result of affiliation, undergo substantial changes in size, organizational structure, and administration. The autonomy of the membership that exists within the HEU will be diminished to reflect the formal institutional structure of the Petitioner. Given the small size of the HEU unit, 28 employee-members, compared with the large membership in the Petitioner, 1300 members, it is clear that the HEU unit employees' control over the direction of the activities of the Petitioner will be vastly reduced.

Accordingly, I conclude that the fundamental character of the representing union will be greatly altered as a result of the affiliation. Such circumstances raise a question of representation warranting dismissal of the instant petition to amend certification. See *Western Commercial Transport*, supra; and *Gar*- lock Equipment Co., 288 NLRB 247 (1988). See also NLRB v. Financial Institution Employees Local 1182, 475 U.S. 192 (1986).

Given the conclusions reached above, I find it unnecessary to examine the second condition that must be met before the Board will grant a petition to amend certification, i.e., whether the affiliation vote satisfied minimum due process concerns.

ORDER

IT IS HEREBY ORDERED that the petition here be, and it hereby is, dismissed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570. This request must be received by the Board in Washington by **October 4, 1996.**

APPENDIX B

SUPPLEMENTAL DECISION

A Decision and Order in this matter issued by me on September 20, 1996, dismissing the petition based upon my finding of a lack of continuity of representation, which raised a question concerning representation of employees in the unit in issue. On August 3, 1999, the Board granted the Petitioner's request for review of the Regional Director's Decision and Order and remanded the instant case to make findings on the issue of due process in the affiliation vote.¹

The Board has traditionally required that two conditions be met before it will grant a petition for the amendment of certification based on an affiliation or merger. The Board requires that there be substantial continuity between the bargaining representative before and the bargaining representative after the affiliation, and that the vote itself occur under circumstances satisfying minimum due process. See, e.g., Western Commercial Transport, 288 NLRB 214 (1988), and Hammond Publishers, 286 NLRB 49 (1987). See also CPS Chemical Co., 324 NLRB 1018 (1997), and May Department Stores Co., 289 NLRB 661 (1988), in which the same issues arise in the context of unfair labor practice charges.

In my original Decision and Order, I concluded that the fundamental character of the representing union would be greatly altered as a result of the affiliation and that such circumstances raise a question of representation warranting dismissal of the petition to amend certification.

In *Western Commercial Transport*, supra at 218 fn. 14, the Board found it unnecessary to address the issue of the alleged lack of due process in the affiliation procedure because of its conclusion that affiliation in that case constituted "dramatic changes that raise a question of representation." Id. at 218. In so finding, the Board noted the following:

Thus, once a question concerning representation is raised as a result of dramatic changes in the bargaining representative, an affiliation vote cannot be used as a substitute for a representation proceeding before the Board to bring in a totally new bargaining representative. Id. at 218.

Given the conclusion reached in my original Decision and Order, i.e., that the existing bargaining representative here would, as a result of affiliation, undergo substantial changes that raise a question concerning representation, I found it unnecessary to examine the second condition that must be met before the Board will grant a petition to amend certification, i.e., whether the affiliation vote satisfied minimum due process concerns. Western Commercial Transport, supra.

Pursuant to the Board's remand, however, directing me to make findings concerning whether the affiliation vote satisfied minimum due process concerns, I find, contrary to the Employer's contentions in its posthearing brief, that the affiliation vote was conducted with adequate procedural safeguards, as discussed below.

Specifically, the record establishes that on July 12, 1996, the Hamburg Employees Union (the HEU) executive board met to discuss affiliating with the Petitioner. The executive board, consisting of HEU's president, vice president, secretary, and treasurer, unanimously voted to recommend affiliation to the HEU membership. The executive board members signed a notarized declaration dated July 12, 1996, stating that the executive board agreed to affiliate with the Petitioner and that the executive board recommended such affiliation to the membership.

During the week following the July 12, 1996 executive board meeting, the HEU distributed to its members a notice of special meeting and the executive board's July 12 declaration.² The notice states:

At a special meeting of the (Independent) Hamburg Employees Union to be held at Limericks, S4923 Southwestern Boulevard, Hamburg, at 7.00 p.m. on Wednesday, July 24, 1996, a secret ballot vote will be taken on the issue of affiliation of this local union with the International Union of Auto Workers and its Amalgamated Local 55. Every member of the bargaining unit is invited and urged to attend, discuss the issue, and vote.

The notice also incorporated a copy of the sample ballot requesting members to vote on the following question: "Do you wish the (Independent) Hamburg Employees Union to affiliate with The International Union U.A.W. and its Amalgamated Local 55?"

Copies of the notice and declaration were manually distributed by the HEU's officers to most of the members at the Employer's workplace. Each member manually receiving the notice and declaration signed an undated form acknowledging receipt of the two documents. Three other members who were absent from the Employer's workplace when the notice and declaration were distributed, received the notice and declaration by certified mail from the HEU. The certified mail return receipts show that the documents were received by these members on July 22, 1996.

¹ The Petitioner, by letter to me dated September 9, 1999, requests that a hearing be held in this matter to decide the factual issues identified by the Board in its Order granting the Petitioner's request for review. The Petitioner's request is hereby denied, as the Board solely directed me to make additional findings on the issue of due process, but did not direct a further hearing in this matter, and in light of my conclusion that the extant record, in which the due process issue was fully litigated, is sufficient to make such findings.

² Witnesses at the hearing could not recall the specific dates that the notice of special meeting and the executive board's declaration were distributed to the members, but believed it to be about the Wednesday through Friday of the week following the executive board's declaration.

The HEU's bylaws, article VI, section 3, provide that notices of HEU meetings must be posted by the HEU secretary on the HEU's official bulletin board 1 week in advance of the meeting. No such notice was posted concerning the July 24 special meeting.

The special meeting was convened, as scheduled, on July 24, 1996, at 7:30 p.m. The HEU did not hold any membership meetings specifically concerning the affiliation prior to the July 24 meeting.³ The July 24 meeting was attended by HEU officials and members, and representatives of the Petitioner. The following resolution of the HEU was presented and read to the membership at the meeting:

Resolution providing for affiliation:

Whereas, it is the desire of the membership and officers of this organization known as the (Independent) Hamburg Employees Union, that said organization affiliate with and become chartered by the International Union U.A.W. and its Amalgamated Local 55, as a unit of said Local 55 because of the International and Local Union's prestige and its ability to provide expert technical assistance arid advice to the officers and membership of this organization: and Whereas, it is the desire of the officers and membership of International Union and its Amalgamated Local 55 as has been done in the past and as is presently being done:

Now, Therefore, It Is Hereby Resolved as follows:

A. That this organization presently known as the (Independent) Hamburg Employees Union be and is hereafter known as Amalgamated Local 55 of the International United Automobile, Aerospace and Agriculture Implement Workers of America (UAW).

B. That all assets and property of this organization, including but not limited to its bank account, its collective bargaining agreement dated September 1, 1994 with Mike Basil Chevrolet Inc., formerly Jack Adkins Chevrolet, Inc., and related pension and insurance and insurance agreements, be hereafter held by this organization under the name and style of Amalgamated Local 55, of the International Union U.A.W.

C. That this organization apply promptly to International Union U.A.W. and its amalgamated Local 55 for affiliation therewith and for a documentary acceptance evidencing such affiliation as the Mike Basil Chevrolet Inc. unit.

D. That this organization continue its relationship with Mike Basil Chevrolet Inc. as the duly certified and recognized bargaining representative of the employees covered under Article 1 of the collective bargaining agreement dated September 1, 1994 with Mike Basil Chevrolet Inc., formerly Jack Adkins Chevrolet Inc.

E. That the officers and committee members of this organization take all steps necessary to accomplish the objectives set forth hereinabove.

Following the presentation of the resolution, HEU members were given the opportunity to discuss and ask questions concerning the affiliation. According to notes taken at the meeting by the HEU's secretary, a member asked whether the Employer "could hock [sic] the Union out tomorrow." The HEU's president replied that they had a contract. While not reflected in the secretary's notes, witnesses at the hearing testified that members also asked questions concerning the effect of affiliation on their 401(k) plan and on their union dues structure. A witness at the hearing also recalled, as a point of discussion at the meeting, that affiliation would bring the added benefit of additional financial resources in the event of a "problem" that "we couldn't work out."

Following the discussion and question period, representatives of the Petitioner left the meeting, a balloting committee consisting of three HEU members was elected by the HEU membership and a secret ballot election was conducted with the assistance of a representative of the New York State Labor Relations Board, who was present at the meeting.⁴

Concerning the voting procedure, the balloting committee gave each member a ballot to mark and an envelope to seal the ballot. The sealed envelope was then placed in the ballot box. The ballot box was emptied and shown empty to the membership at the conclusion of voting. The ballot envelopes were then opened and tabulated before the membership by the balloting committee and the New York State Labor Relations Board representative.

The New York State Labor Relations Board representative issued a report of tally at the conclusion of the election showing that there were 28 eligible voters, 20 ballots cast, with 18 ballots in favor of affiliation, no ballots against the affiliation, and 2 challenged ballots.⁵ The special meeting was then adjourned at 8:15 p.m. Immediately following the close of the meeting, the report of tally was signed by the Labor Relations Board representative, the HEU's president, and a representative of the Petitioner, who had been contacted to return to the voting site at the conclusion of the meeting.⁶

The Employer, as the party asserting that the affiliation vote lacked adequate procedural safeguards, has the burden of establishing such contentions. See *CPS Chemical Co.*, 324 NLRB 1018 fn. 7 (1997), and cases cited therein.

First, the Employer contends that the HEU members did not have adequate notice of the affiliation vote or a fair opportunity to consider the affiliation. The record reflects, however, that all but three members were personally notified of the affiliation vote at work during the week preceding the vote, while the remaining three members received notice by mail several days before the affiliation vote. While, as the Employer notes, the notice of special meeting was not posted on the HEU bulletin board, as required by the HEU's bylaws, the question is not whether the HEU's notice of meeting requirements were followed, but rather, whether the members received adequate notice of the affiliation vote.

³ The record indicates generally, based on the testimony of the HEU's president, that members had the opportunity, prior to the special meeting, to ask questions of the HEU's president concerning the affiliation when he spoke with employees in the Employer's facility about the special meeting; and that questions concerning affiliation were brought up by members in HEU meetings prior to the executive board's July 12, 1996 meeting.

⁴ One of the witnesses at the hearing incorrectly identified the New York State Labor Relations Board representative as a representative of the National Labor Relations Board.

⁵ It appears from the record that the balloting committee made the challenges to two of the voters because they were not HEU members, or not yet members of the HEU.

⁶ The Report of Tally also states that "Notice of Election" was July 1, 1996. However, the record does not establish whether such is a reference to notification of members of the election. As noted above, the record indicates that members received notice of the election between the July 12 executive board meeting and the July 24 affiliation vote.

I find that the notice to members of the affiliation vote was sufficient. The Board does not require union affiliation elections to be conducted in same manner as Board representation elections. *CPS Chemical Co.*, supra at 1020. Moreover, there is no evidence to indicate that any of the voting employees objected to any lack of notice concerning the affiliation vote. See *Insulfab Plastics*, 274 NLRB 817, 823 (1985).

I further find that the members were given an adequate opportunity to consider the affiliation before voting. HEU members at the special meeting were given the opportunity to discuss the resolution of affiliation and ask questions concerning the affiliation before the vote. There is no evidence indicating that such discussion period was cut short by the HEU's officers or Petitioner's representatives before the members had an opportunity to ask further questions or to continue the discussion. The record also indicates generally that the members had the opportunity prior to the special meeting to ask questions of the HEU's president concerning the affiliation when he spoke with employees in the shop about the special meeting. In addition, the record refers to questions concerning affiliation brought up by members in HEU meetings prior to the executive board's

July 12 declaration. I also note that there is no evidence indicating that any members objected to the affiliation vote because of a lack of adequate opportunity to consider the affiliation.

Finally, the Employer, in its posthearing brief, does not contend that the voting procedure at the special meeting itself lacked due process safeguards. In this regard, I note that there is no evidence indicating that any member objected to the voting procedure or that the election result did not accurately reflect the votes cast or the true sentiments of the HEU membership concerning the affiliation. See *CPS Chemical Co.*, 324 NLRB at 1019.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Supplemental Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570. This request must be received by the Board in Washington by October 8, 1999.